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Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn.: Ms Angel SHEK)
(By e-mail)

Dear Ms Shek,

Legislative Council Panel on Environmental Affairs
Protection of Endangered Shark Species

At the meeting of the Panel on 19 July 2018, Members requested the Administration to provide more information on the protection of endangered shark species. The information is set out as follows –

(a) **Possibility of including more shark species under Protection of Endangered Species of Animals and Plants Ordinance**

The Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) (the Ordinance) is the local legislation giving effect to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Hong Kong. The listing of a species in CITES has already taken into account other inventories of species conservation status including the International Union for Conservation of Nature (IUCN) Red List of Threatened Species. The Parties to CITES meet every two to three years at the Conference of the Parties to review and consider proposals to amend the lists of species in the Appendices to CITES to ensure that the provisions of CITES are up-to-date.

The next Conference of the Parties to CITES will take place in May 2019 in Colombo, Sri Lanka. We will closely monitor the progress. Should more shark species be added to CITES Appendices, we will amend the Ordinance to implement the new CITES listing in accordance with established practice.

(b) Deterrent effect of existing penalties

To achieve the desired deterrent effect against smugglers using Hong Kong as a port for illegal trade of endangered species, the penalties under the Ordinance have been increased with effect from 1 May 2018. A new set of penalties for offences convicted on indictment has been in force on the same date. The penalties have been largely increased from a fine of \$5 million to \$10 million, and imprisonment from two years to ten years. Details of the new maximum penalties are tabulated below:

	For summary offences	For indictable offences
Appendix I species	A fine of \$5,000,000 and imprisonment for two years	A fine of \$10,000,000 and imprisonment for ten years
Appendix II and III species	A fine of \$500,000 and imprisonment for one year	A fine of \$1,000,000 and imprisonment for seven years

Now indictable offences considered to be serious could be transferred to the District Court for trial and higher penalties are expected upon conviction. As sentence laid down for each convicted case is a decision made by the court, the Agriculture, Fisheries and Conservation Department will make sure that the evidence collected from the investigation be fully and factually presented by the prosecutor in the court, including species identify and quantity involved, seriousness of potential harm to ecology and the environment, as well as the modus operandi of the illegal act, etc.

(c) DNA tests deployed for enforcement of import and export/re-export control

Identification of shark fins can be primarily achieved by visual examination since the majority of shark fins seized were unprocessed fins (with skins). For example, oceanic white tip sharks could be visually identified by their morphological features. Nevertheless, for some cases, such as shark fins of suspected scheduled hammerhead sharks, while they could also be recognised visually, the confirmation of their species identity may require the use of DNA tests. The number of samples involved in DNA tests carried out in 2015 to 2017 for the enforcement of CITES-listed shark species were 87, 127 and 196 respectively.

Yours sincerely,



(Ms Daisy LO)

for the Director of Environmental Protection

c.c. Director of Agriculture, Fisheries and Conservation (Attn: Mr Simon Chan)